

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

KEVIN NEIL HARTMAN,)
Plaintiff,)
v.) Civil Action No. 1:05-cv-645-F
GENEVA COUNTY JAIL, et al.,)
Defendants.)

ANSWER

COME NOW COME NOW Greg Ward, Sheriff of Geneva County, Alabama, Donald Weeks, and Marilyn Ruppel, Defendants in the above-styled cause, and answer the Plaintiff's Complaint as follows:

Answer

The Defendants in this action deny each and every allegation made by the Plaintiff, Kevin Neil Hartman, and demand strict proof thereof. The Defendants deny that they acted, or caused anyone to act, in such a manner so as to deprive the Plaintiff of his constitutional rights.

Affirmative Defenses

1. The Plaintiff's Complaint, separately and severally, fails to state a claim upon which relief may be granted.
2. The Defendants in this action, in their individual capacities, are entitled to qualified immunity from the Plaintiff's claims.
3. The Defendants in this matter, in their official capacities, are not liable under § 1983 because they are not "persons" under 42 U.S.C. § 1983, and because such claims are barred by the Eleventh Amendment.

4. The Plaintiff's claims are barred by the Prison Litigation Reform Act.
5. Plaintiff fails to allege any affirmative causal link between the alleged acts of Defendants and any alleged constitutional deprivation or Defendants' direct participation in any alleged constitutional violation.
6. Defendants are not liable based upon *Respondeat Superior* theories of liability.
7. Plaintiff had no serious medical need.
8. Defendants were not deliberately indifferent in any respect.
9. The Plaintiff cannot prove a violation of his rights under the Fourteenth Amendment to the United States Constitution.

Respectfully submitted this 17th day of October, 2005.

s/C. Richard Hill, Jr.
C. RICHARD HILL, JR. Bar No. HIL045
Attorney for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on this the 17th day of October, 2005, I have served the foregoing document on the following:

Kevin Neil Hartman
Geneva County Jail
P.O. Box 115
Geneva, AL 36340

by placing a true and correct copy of the foregoing in the U.S. Mail, postage prepaid, on this the 17th day of October, 2005.

s/C. Richard Hill, Jr.
OF COUNSEL